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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,650	09/02/2004	Hartwig Waldert	188.555	4820
47888	7590	02/02/2006	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/506,650		WALDERT ET AL.	
	Examiner		Art Unit	
	Dmitry Suhol		3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, there is no antecedent basis for "The rolling, stamping or forming tool".

Regarding claim 6, there is no antecedent basis for "the stamping or shaping of the sheet".

Regarding claims 7 and 9, it is not clear if the language in the parentheses "(clinch connection)" is being claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chou Hatsujo (JP 07-125088). Chou Hatsujo discloses a method for forming a rotationally symmetric body containing all of the claimed elements, including with reference to claim 1, an annulus (3) having a toothed profile (2) which is worked into a metal strip (figure 1A), cutting the sheet metal strip into desired lengths before or after working the tooth profile (see abstract), bending the sheet metal strip to form a rotationally symmetric body and fixing the ends of the sheet metal strip to each other (see abstract and figure 1B). The toothed profile being made by rolling, as required by claim 2, is shown in figure 1A. The limitations of claim 3 are encompassed in figure 1A and element 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou Hatsujo (JP 07-125088) in view of Findlater '387. Chou Hatsujo discloses all of the claimed elements, as stated above, but for the explicit teaching or use of welding to bond the ends of the metal strip as required by claim 4, however Findlater clearly teaches the use of welding (page 2, lines 11-12) to secure/bond the ends of a metal

strip in order to form a circular toothed profile. Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to utilize a welding technique in order to secure the ends of strip (1) of Chou Hatsujo in order to form a strong connection between the ends.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou Hatsujo (JP 07-125088) in view of Teratoko et al '574. Chou Hatsujo discloses all of the claimed elements, as stated above, but for the use of mating elements inserted into each other as required by claim 5, the step of making the elements at the same time as stamping or shaping step or when cutting the material into desired lengths as required by claim 6, mating elements having a hook shaped and/or T-shaped projections on one end and corresponding recess on the other end as required by claims 7 and 9 and the ends being welded to each other as required by claim 8. However, Teratoko discloses a method for the manufacture of a circular toothed body (figure 8, teeth 32) which teaches that it is known to use mating elements (made at the same time as the stamping/shaping step and cutting step, figures 2A and 2B) with a hook projection and respective recess on the ends of such a body (figure 9C) to form a secure connection without the need of finishing works. Teratoko further teaches that it is advantageous to weld (weld joint 34, figures 14 and 15) the respective ends to each other for the purpose of providing increased strength against stress. Therefore it would have been obvious to incorporate the teachings of Teratoko in the method of Chou Hatsujo for the purpose of manufacturing a toothed annulus with a secure connection between the ends.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dmitry Suhol
Examiner
Art Unit 3725